

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In Re:

JOHN C. SZUMOWSKI

Debtor

**OBJECTION TO
CONFIRMATION**

Chapter 13

Case No. 10-12431-REL

Randa R. Simmons, Esq., an attorney duly licensed to practice law in the State of New York and admitted in the Northern District of New York, affirms the following to be true, under penalty of perjury:

1. I am an associate with the firm of Steven J. Baum, P.C., attorneys for the Secured Creditor, BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP fka Countrywide Home Loans, Inc. ("BAC Home Loans Servicing, LP").
2. This Affirmation is submitted for the purpose of objecting to confirmation of the Chapter 13 Plan proposed by John C. Szumowski (the "Debtor").
3. The Debtor's proposed Plan provides for payment of pre-petition arrears in the amount of \$37,580.10. A Proof of Claim is currently being prepared on behalf of BAC Home Loans Servicing, LP and will be filed in due course. Upon information and belief, the pre-petition arrears claimed will amount to \$39,196.78. Accordingly, Debtor's proposed plan lists incorrect pre-petition arrears.

4. By virtue of the foregoing, confirmation of the Debtor's proposed Chapter 13 Plan must be denied pursuant to 11 U.S.C. §1325.

Dated: Buffalo, New York
August 19, 2010

A handwritten signature in black ink, appearing to read 'Randa R. Simmons', is written over a horizontal line.

Randa R. Simmons, Esq.

Steven J. Baum, P.C.

Attorneys for

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